

Noise.

- (a) *Purpose.* This section shall be for the general purpose of regulating noise disturbances within the town limits so as to protect the peace and quiet of the citizens and inhabitants of the town.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Excessive noise means any sound which reaches a level that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on human beings. Specific examples of prohibited excessive noise are set forth in this chapter.
- (c) *General prohibitions.* It shall be a Class 4 misdemeanor and a public nuisance for any person to willfully make, permit, continue or cause to be made, permitted or continued any noise disturbance within the town, as well as within one mile of the corporate limits thereof (except for normal business activities), whether located on public or private property.
- (d) *Specific prohibitions.* Subject to the exceptions provided in subsection (c) of this section, any of the following acts, or the causing or permitting thereof, among others, is declared to be a noise disturbance constituting a Class 4 misdemeanor and a public nuisance, but such enumeration shall not be deemed to be exclusive:
 - (1) *Radios, television sets, musical instruments, and similar devices.* Operating, playing or permitting the operation or playing of any radio, amplifier, television, record, tape or compact disc player, drum, musical instrument or similar device:
 - a. In such manner as to permit sound to be heard across a real property boundary creating a noise disturbance.
 - b. When the sound source is located within a motor vehicle in or upon public right-of-way or public property and the sound can be heard in such a manner as to create a noise disturbance.
 - (2) *Yelling, shouting, etc.* Yelling, shouting, whistling, singing or detonating fireworks so as to create a noise disturbance across a residential real property boundary or on a public right-of-way or public property.
 - (3) *Schools, public buildings, churches, and hospitals.* The creation of any noise disturbance from an outside source within any school, court, public building, church or hospital or on the grounds thereof.
 - (4) *Animals.* Owning, keeping, possessing or harboring any animal which frequently or habitually howls, barks, meows, squawks, or makes such other noise that is plainly audible at a distance of 50 feet from its source or through partitions common to two residences within one building.
- (e) *Exceptions.* Subsections (c) and (d) of this section shall have no application to any sound generated by any of the following:
 - (1) Any speech of any kind, not in conflict with provisions of subsection (d) of this section.
 - (2) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activity has been authorized by the owner of such property or facilities or its agent.
 - (3) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
 - (4) Noise normally emanating from firearms, equipment, vehicles, etc., provided reasonable precautions are taken by the owner and/or operator thereof to operate same in the quietest reasonable manner.
- (f) *Intent.*
 - (1) It is the intent of the town council that this section shall be construed to secure for the people of this town freedom from any noise disturbance as described herein without violating any of the rights secured by the Constitution to the people. And it is further the intent that lawful businesses,

manufacturing, and construction as it applies to their normal operation are excluded from the requirements of this section.

- (2) In the event that any provision hereof should ever be determined invalid for any reason, it is the intent of the town council that the remaining provisions continue in effect to the extent that they can be enforced notwithstanding such determination, and, therefore, this article is declared severable.

(g) *Enforcement.* The criminal provisions of this article shall be enforced by the town police department, who may administer measurement procedures, issue orders and regulations with regard to such enforcement. Any person violating any of the provisions of this chapter shall be deemed guilty of a Class 4 misdemeanor and, upon conviction thereof, shall be punished by imposing a fine of not less than \$50.00 for the first offense, \$100.00 for the second offense within a 12-month period, and \$250.00 for any subsequent offense within the same 12-month period. Each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder